



UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
STATION PLACE  
100 F STREET, NE  
WASHINGTON, DC 20549-2736

Office of FOIA Services

May 04, 2012

Mr. Jason Smathers  
MuckRock News  
Dept MR 1034, P.O. Box 55819  
Boston, MA 02205-5819

RE: Freedom of Information Act (FOIA), 5 U.S.C. § 552  
Request No. **12-06377-FOIA**

Dear Mr. Smathers:

This letter is in response to your request dated and received in this office on April 13, 2012, for a copy of the administrative tracking folder/file associated with SEC FOIA request number 10-06330-FOIA.

Access is granted to the requested records, except for the staff's recommendation and SEC computerized records, which are exempt from disclosure under FOIA Exemption 5, 5 U.S.C. § 552(b)(5) and 17 CFR § 200.80(b)(5). These records are protected from disclosure by the deliberative process privilege of FOIA Exemption 5, since they form an integral part of the predecisional process and/or contain opinions of and recommendations by the staff, the release of which might make the staff less candid in expressing their views.

Access is also denied to the home and personal e-mail addresses, and the telephone number of the FOIA requester, since the release of this information could constitute a clearly unwarranted invasion of personal privacy under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), 17 CFR § 200.80(b)(6).

We are withholding other records that are responsive to your request under 5 U.S.C. § 552(b)(7)(A), 17 CFR § 200.80(b)(7)(i). This exemption protects from disclosure records compiled for law enforcement purposes, the release of which could reasonably be expected to interfere with enforcement activities.

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Further, these same records are protected from release under FOIA Exemption 7(C), 5 U.S.C. § 552(b)(7)(C), 17 CFR § 200.80(b)(7)(iii). Release of this information could subject the employees named in the records to harassment from the public in the performance of their official duties and the release of third-party names could reasonably be expected to constitute an unwarranted invasion of personal privacy.

With respect to the withheld records (13 pages in their entirety) and information, you have the right to appeal our decision to our General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(d)(5) and (6). Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

Send your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2736, Washington, D.C. 20549, or deliver it to Room 1120 at that address. Also, send a copy to the SEC Office of the General Counsel, Mail Stop 9612, or deliver it to Room 1120 at the Station Place address.

If you have any questions, please contact Ms. Felecia Taylor of my staff at [taylorf@sec.gov](mailto:taylorf@sec.gov) or (202) 551-8349. You may also contact me at [henshalld@sec.gov](mailto:henshalld@sec.gov) or (202) 551-8316.

Sincerely,



Dave Henshall  
FOIA Branch Chief

Enclosures